



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0805

Introduced 2/7/2007, by Rep. Mike Boland

#### SYNOPSIS AS INTRODUCED:

|                 |                         |
|-----------------|-------------------------|
| 105 ILCS 5/24-5 | from Ch. 122, par. 24-5 |
| 105 ILCS 5/24-6 | from Ch. 122, par. 24-6 |
| 105 ILCS 5/26-1 | from Ch. 122, par. 26-1 |

Amends the School Code. In provisions concerning an employee's physical fitness and sick leave and compulsory school age exemptions, provides that when required, certain examinations may be conducted by and certain certificates may be issued by a chiropractic physician licensed under the Medical Practice Act of 1987.

LRB095 07591 NHT 27741 b

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections  
5 24-5, 24-6, and 26-1 as follows:

6 (105 ILCS 5/24-5) (from Ch. 122, par. 24-5)

7 Sec. 24-5. Physical fitness and professional growth.

8 School boards shall require of new employees evidence of  
9 physical fitness to perform duties assigned and freedom from  
10 communicable disease, including tuberculosis. Such evidence  
11 shall consist of a physical examination and a tuberculin skin  
12 test and, if appropriate, an x-ray, made by a physician  
13 licensed in Illinois or any other state to practice medicine  
14 and surgery in all its branches, a chiropractic physician  
15 licensed under the Medical Practice Act of 1987, an advanced  
16 practice nurse who has a written collaborative agreement with a  
17 collaborating physician that authorizes the advanced practice  
18 nurse to perform health examinations, or a physician assistant  
19 who has been delegated the authority to perform health  
20 examinations by his or her supervising physician not more than  
21 90 days preceding time of presentation to the board and cost of  
22 such examination shall rest with the employee. The board may  
23 from time to time require an examination of any employee by a

1 physician licensed in Illinois to practice medicine and surgery  
2 in all its branches, a chiropractic physician licensed under  
3 the Medical Practice Act of 1987, an advanced practice nurse  
4 who has a written collaborative agreement with a collaborating  
5 physician that authorizes the advanced practice nurse to  
6 perform health examinations, or a physician assistant who has  
7 been delegated the authority to perform health examinations by  
8 his or her supervising physician and shall pay the expenses  
9 thereof from school funds. School boards may require teachers  
10 in their employ to furnish from time to time evidence of  
11 continued professional growth.

12 (Source: P.A. 94-350, eff. 7-28-05.)

13 (105 ILCS 5/24-6) (from Ch. 122, par. 24-6)

14 Sec. 24-6. Sick leave. The school boards of all school  
15 districts, including special charter districts, but not  
16 including school districts in municipalities of 500,000 or  
17 more, shall grant their full-time teachers, and also shall  
18 grant such of their other employees as are eligible to  
19 participate in the Illinois Municipal Retirement Fund under the  
20 "600-Hour Standard" established, or under such other  
21 eligibility participation standard as may from time to time be  
22 established, by rules and regulations now or hereafter  
23 promulgated by the Board of that Fund under Section 7-198 of  
24 the Illinois Pension Code, as now or hereafter amended, sick  
25 leave provisions not less in amount than 10 days at full pay in

1 each school year. If any such teacher or employee does not use  
2 the full amount of annual leave thus allowed, the unused amount  
3 shall be allowed to accumulate to a minimum available leave of  
4 180 days at full pay, including the leave of the current year.  
5 Sick leave shall be interpreted to mean personal illness,  
6 quarantine at home, or serious illness or death in the  
7 immediate family or household. The school board may require a  
8 certificate from a physician licensed in Illinois to practice  
9 medicine and surgery in all its branches, a chiropractic  
10 physician licensed under the Medical Practice Act of 1987, an  
11 advanced practice nurse who has a written collaborative  
12 agreement with a collaborating physician that authorizes the  
13 advanced practice nurse to perform health examinations, or a  
14 physician assistant who has been delegated the authority to  
15 perform health examinations by his or her supervising  
16 physician, or if the treatment is by prayer or spiritual means,  
17 that of a spiritual adviser or practitioner of such person's  
18 faith, as a basis for pay during leave after an absence of 3  
19 days for personal illness, or as it may deem necessary in other  
20 cases. If the school board does require a certificate as a  
21 basis for pay during leave of less than 3 days, the school  
22 board shall pay, from school funds, the expenses incurred by  
23 the teachers or other employees in obtaining the certificate.

24 If, by reason of any change in the boundaries of school  
25 districts, or by reason of the creation of a new school  
26 district, the employment of a teacher is transferred to a new

1 or different board, the accumulated sick leave of such teacher  
2 is not thereby lost, but is transferred to such new or  
3 different district.

4 For purposes of this Section, "immediate family" shall  
5 include parents, spouse, brothers, sisters, children,  
6 grandparents, grandchildren, parents-in-law, brothers-in-law,  
7 sisters-in-law, and legal guardians.

8 (Source: P.A. 94-350, eff. 7-28-05.)

9 (105 ILCS 5/26-1) (from Ch. 122, par. 26-1)

10 Sec. 26-1. Compulsory school age-Exemptions. Whoever has  
11 custody or control of any child between the ages of 7 and 17  
12 years (unless the child has already graduated from high school)  
13 shall cause such child to attend some public school in the  
14 district wherein the child resides the entire time it is in  
15 session during the regular school term, except as provided in  
16 Section 10-19.1, and during a required summer school program  
17 established under Section 10-22.33B; provided, that the  
18 following children shall not be required to attend the public  
19 schools:

20 1. Any child attending a private or a parochial school  
21 where children are taught the branches of education taught  
22 to children of corresponding age and grade in the public  
23 schools, and where the instruction of the child in the  
24 branches of education is in the English language;

25 2. Any child who is physically or mentally unable to

1 attend school, such disability being certified to the  
2 county or district truant officer by a competent physician  
3 licensed in Illinois to practice medicine and surgery in  
4 all its branches, a chiropractic physician licensed under  
5 the Medical Practice Act of 1987, an advanced practice  
6 nurse who has a written collaborative agreement with a  
7 collaborating physician that authorizes the advanced  
8 practice nurse to perform health examinations, a physician  
9 assistant who has been delegated the authority to perform  
10 health examinations by his or her supervising physician, or  
11 a Christian Science practitioner residing in this State and  
12 listed in the Christian Science Journal; or who is excused  
13 for temporary absence for cause by the principal or teacher  
14 of the school which the child attends; the exemptions in  
15 this paragraph (2) do not apply to any female who is  
16 pregnant or the mother of one or more children, except  
17 where a female is unable to attend school due to a  
18 complication arising from her pregnancy and the existence  
19 of such complication is certified to the county or district  
20 truant officer by a competent physician;

21 3. Any child necessarily and lawfully employed  
22 according to the provisions of the law regulating child  
23 labor may be excused from attendance at school by the  
24 county superintendent of schools or the superintendent of  
25 the public school which the child should be attending, on  
26 certification of the facts by and the recommendation of the

1 school board of the public school district in which the  
2 child resides. In districts having part time continuation  
3 schools, children so excused shall attend such schools at  
4 least 8 hours each week;

5 4. Any child over 12 and under 14 years of age while in  
6 attendance at confirmation classes;

7 5. Any child absent from a public school on a  
8 particular day or days or at a particular time of day for  
9 the reason that he is unable to attend classes or to  
10 participate in any examination, study or work requirements  
11 on a particular day or days or at a particular time of day,  
12 because the tenets of his religion forbid secular activity  
13 on a particular day or days or at a particular time of day.  
14 Each school board shall prescribe rules and regulations  
15 relative to absences for religious holidays including, but  
16 not limited to, a list of religious holidays on which it  
17 shall be mandatory to excuse a child; but nothing in this  
18 paragraph 5 shall be construed to limit the right of any  
19 school board, at its discretion, to excuse an absence on  
20 any other day by reason of the observance of a religious  
21 holiday. A school board may require the parent or guardian  
22 of a child who is to be excused from attending school due  
23 to the observance of a religious holiday to give notice,  
24 not exceeding 5 days, of the child's absence to the school  
25 principal or other school personnel. Any child excused from  
26 attending school under this paragraph 5 shall not be

1 required to submit a written excuse for such absence after  
2 returning to school; and

3 6. Any child 16 years of age or older who (i) submits  
4 to a school district evidence of necessary and lawful  
5 employment pursuant to paragraph 3 of this Section and (ii)  
6 is enrolled in a graduation incentives program pursuant to  
7 Section 26-16 of this Code or an alternative learning  
8 opportunities program established pursuant to Article 13B  
9 of this Code.

10 (Source: P.A. 93-858, eff. 1-1-05; 94-350, eff. 7-28-05.)